

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Senate Bill 43 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 13-11-2-233.5 IS ADDED TO THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: **Sec. 233.5. For purposes of**
- 6 **IC 13-20-2-9, "tract" has the meaning set forth in IC 6-1.1-1-22.5.**
- 7 SECTION 2. IC 13-20-2-9 IS ADDED TO THE INDIANA CODE
- 8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 9 UPON PASSAGE]: **Sec. 9. (a) This section applies to a landfill for**
- 10 **which an application for an original permit for construction or**
- 11 **operation is:**
- 12 (1) **filed after February 28, 2002;**
- 13 (2) **filed before March 1, 2002, but not granted or denied by the**
- 14 **commissioner before March 1, 2002; or**
- 15 (3) **filed and granted by the commissioner before March 1,**
- 16 **2002, but for which an appeal of the commissioner's action in**
- 17 **granting the permit is pending on March 1, 2002.**
- 18 (b) **The solid waste boundary of a landfill may not be located**
- 19 **within one (1) mile of a public school classroom building that is**
- 20 **served by a well as the primary source of drinking water. The**
- 21 **measurement required by this subsection is made from the point on**
- 22 **the building that is nearest to the solid waste boundary of the**
- 23 **landfill.**
- 24 (c) **A public school classroom building that is served by a well as**

1 the primary source of drinking water may not be constructed  
2 within one (1) mile of the property line of a contiguous tract on  
3 which a landfill is located. The measurement required by this  
4 subsection is made from the point on the school building that is  
5 nearest to the property line of the landfill tract.

6 (d) The commissioner shall deny an application for an original  
7 permit for the construction or operation of a landfill if the  
8 commissioner finds that the proposed landfill does not comply with  
9 the requirements of this section.

10 (e) The solid waste management board may adopt rules under  
11 IC 4-22-2 to administer this section."

12 Page 7, after line 20, begin a new paragraph and insert:

13 "SECTION 4. **An emergency is declared for this act.**".

14 Renumber all SECTIONS consecutively.

(Reference is to ESB 43 as printed February 22, 2002.)

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Representative Ayres